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June 28, 2019

VIA ECF

Honorable John Michael Vazquez, U.S.D.J.
Frank R. Lautenberg U.S. Courthouse & Post Office
Chambers 417
Two Federal Square
Newark, NJ 07101

RE: United States v. Joseph Taub
Criminal No. 18-79 (JMV)
Request for authorization to issue Rule 17(c) subpoenas

Dear Judge Vazquez:

On behalf of defendant Joseph Taub, we write to request, pursuant to Federal Rule of Criminal Procedure 17(c), that the Court authorize us to issue subpoenas for pretrial production of documents to various nonparty entities which examined Mr. Taub's trading activities during the period charged in the indictment. We have discussed this request with the government and understand that it takes no position with respect to the Court authorizing us to issue such subpoenas at this time.

As the Court knows, this is an extremely complex securities fraud prosecution in which the government alleges that Mr. Taub and others manipulated the market over a three-year period by conducting over 30,000 "coordinated trading events," each of which in turn involved multiple trading orders. Collectively, these voluminous "CTEs" involved millions of trading orders placed by Mr. Taub and others using his trading strategy at multiple brokerage houses during the operative time. The discovery materials produced to date clearly indicate that many of those brokerage houses, as well as FINRA and other entities, investigated Mr. Taub's trading activities at various times during the operative period, collected reams of data and other information regarding those activities, and generated internal reports and other documents which included findings and at times contrary conclusions as to those activities' propriety. However, much of this information – which is indisputably relevant and could well prove admissible at trial – is not possessed by the government.

We require this information to defend Mr. Taub, not just at trial but with respect to potential pretrial motions, and we share the Court's desire to expedite the pretrial process as much as

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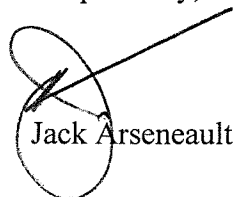
possible. Given the complexity of this case, the sooner we obtain this information, the quicker we can advance the case forward.

We anticipate issuing several such subpoenas and have previewed in correspondence to the government some of the information we currently seek. Rather than burden the Court with numerous requests for authorization to issue each individual subpoena, we instead request that the Court collectively authorize us to issue such subpoenas. We will issue such pretrial subpoenas on notice to the government, and we will provide the government with copies of all subpoenaed materials we receive should it so desire.

We have raised these issues with the government, and we understand that it takes no position with respect to the Court authorizing us to issue such subpoenas at this time. In that regard, the government has informed us that it still intends to supersede the indictment in the near future, but that any such superseding indictment will not affect the relevance of the information sought by those subpoenas.

We respectfully request, pursuant to Rule 17(c), that the Court authorize us to issue the subpoenas described above by conforming this letter in the space below and causing it to be entered on ECF. We thank the Court for considering this request.

Respectfully,



Jack Arseneault

cc: All counsel of record (via ECF)

SO ORDERED: _____
Honorable John Michael Vazquez, U.S.D.J.

Dated: July __, 2019